a

UMMI HAFILDA ALI & ANOR

v.

KARANGKRAF SDN BHD & ORS (NO 2)

b

HIGH COURT MALAYA, KUALA LUMPUR
RK NATHAN J
[SUIT NO: S2(S5)-23-38-1999]
31 MAY 2000

c

TORT: *Defamation - Newspaper article - Whether defamatory of plaintiffs - Plaintiffs key witnesses in corruption trial - Whether article attempted to label plaintiffs as liars/perjurers - Whether public would hold plaintiffs in odium and contempt - Whether article based on internet news absolved defendants from liability - Whether balm and bane principle applicable*

d

The plaintiffs sued the defendants for publishing an article that was defamatory of them in a local newspaper. Both the plaintiffs were key witnesses in the corruption trial against the former Deputy Prime Minister of Malaysia, Dato' Seri Anwar Ibrahim, which led to his conviction. The defendants submitted *inter alia* that: (i) the words complained of were not defamatory; (ii) the "Khairuddin" referred to in the said article did not refer to the 2nd plaintiff; (iii) the defendants did not intend to defame the plaintiffs; and (iv) the said article had been picked up from the internet. Apart from these, the defendants argued that whilst the headline stated that the 1st plaintiff was married yet the final passage on that same front page quoted the 1st plaintiff's brother as denying that the 1st and 2nd plaintiffs were married. As such, the balm of the brother's denial should be applied to soothe the bane of the screaming headline.

e

f

Held:

g

[1] The words *per se* "she is married" were not defamatory but when they were directed towards a single woman who upon the admitted knowledge of the defendants had her face on the front page of major newspapers as a star witness in the Anwar Ibrahim corruption trial, then under such circumstances the innuendos and inferences that an ordinary man in the street would draw from the headline and the subsequent passages would convey the meaning attributed to the words by the plaintiffs.

h

[2] Whether the words complained of are defamatory, is a question of fact, dependant upon the circumstances of the particular case.

i

[3] It was subtly alleged that the plaintiffs conspired to defame Dato' Seri Anwar Ibrahim by testifying against him at the corruption trial. The allegation of conspiracy in a case that was concluded was most serious. It was an attempt to label the plaintiffs as liars and/or perjurers. It casts serious aspersions upon the conduct and character of both the plaintiffs.

[4] This court found as a fact that the name Khairuddin referred to none other than the 2nd plaintiff. The defendants led no evidence to show that the name Khairuddin referred to any one else in particular.

[5] The impugned articles when expressly referring to the 2nd plaintiff were no doubt defamatory of him.

[6] The passages suggested that both the plaintiffs were married. That was an unfair statement to make knowing full well that they were indeed not married. Such a statement had clearly deprived the chance of each of them being free to meet someone or to court someone of the opposite sex.

[7] This court accepted the plaintiffs' submission that the impugned publications had injured their reputation and credibility. The said publications when read by a fair minded and ordinary member of the public would hold the plaintiffs in odium and contempt.

[8] The only credible defence raised was that the defendants picked up the impugned passages from the internet news and that by reporting such news the defendants had in fact shown the falsity of such news. The defendants' failure to produce the crucial evidence to support such a defence, *ie*, their failure to produce the printed internet webpage, must be held against them. Alternatively, their failure to produce the writer's or journalist's notes as the source of the articles must also be held against them.

[9] If there was a republication of the internet webpage, that in itself was publication of the defamatory statement.

[10] If the statement of the brother's denial had not been positioned as it had been, the court might have been persuaded to reject the screaming headline as having any defamatory connotation applying the bane and balm principle. However, the court found that far from being the balm of the bane the defendants had reopened the wound.

[Plaintiffs awarded compensatory damages of RM25,000 each and aggravated damages of RM25,000 each.]

Case(s) referred to:
Chalmers v. Payne [1835] 2 CM ***(refd)***
Charleston & Anor v. News Group Newspapers Ltd & Anor [1995] 2 WLR 450 ***(refd)***
Chok Foo Choo v. The China Press Bhd [1999] 1 CLJ 461 ***(refd)***
Chua Jui Meng v. Hoo Kok Wing & Anor [2000] 6 CLJ 390 ***(refd)***
Dato' Abdullah Hishan bin Haji Mohd Hashim v. Sharma Kumari Shukla (No 3) [1999] 7 CLJ 464 ***(refd)***
Morosi v. Broadcasting Station 2GB [1980] 2 NSWLR 418 ***(refd)***
Noor Asiah binti Mahmood juga dikenali sebagai "Nonni Mahmood" & Anor v. Randhir Singh & 4 Ors [2000] 5 CLJ 407 ***(refd)***
Normala Samsudin v. Keluarga Communication Sdn Bhd [1999] 3 CLJ 167 ***(refd)***

Legislation referred to:
Islamic Family Law (Federal Territories) Act 1984, s. 13

For the plaintiffs - John Clark Sumugod (Low Chee Hoong with him); M/s Sidek Teoh Wong & Dennis
For the defendants - Haris Ibrahim (Nurul Akmar Omar with him); M/s Haris & Co

Reported by Usha Thiagarajah

JUDGMENT

RK Nathan J:

Facts

The plaintiffs sued the defendants for publishing an article about them in "Bacaria" which appeared on 13 March 1999. "Bacaria" is a newspaper that is published by the 1st defendant, printed by the 2nd defendant and distributed by the 3rd defendant. The plaintiff is a businesswoman who runs an advertising company called Karisma Advertising Sdn Bhd. The 2nd plaintiff is also a businessman and is a director of companies. He is also a politician and a member of UMNO. Both plaintiffs played a key role as witnesses in the corruption trial against the former Deputy Prime Minister of Malaysia which led to his conviction.

The publications in the said article which the plaintiffs found defamatory and which they are complaining of are as follows:

(1) The headline on the front page of "Bacaria" which states "Ummi Hafilda NIKAH".

Agreed translation:

"Ummi Hafilda MARRIED"

(2) The passage which reads:

> Ummi Hafilda kembali menjadi tumpuan. Setelah beberapa minggu wajahnya tidak lagi menghiasi muka depan akhbar-akhbar utama, secara tiba-tiba tersebar berita yang mendakwa Ummi Hafilda telah bernikah dengan anak saudara kepada bekas pemimpin UMNO, Sulaiman Palestin. Ummi didakwa telah bergelar 'puan' setelah mengakhiri zaman daranya dengan lelaki pilihan yang juga kekasihnya, Khairuddin. Majlis pernikahan Ummi Hafilda juga didakwa terpaksa diadakan secara 'kecil-kecilan' kerana tidak mendapat sambutan penduduk Kampung Kebun Sireh, Bukit Mertajam.

Agreed translation:

> Ummi Hafilda is back in the limelight. After a few weeks of her image having not graced the front cover of major newspapers suddenly there was widespread news alleging that Ummi Hafilda had married the nephew of a former UMNO leader, Sulaiman Palestin. Ummi is said to now be a "Mrs." after ending her singlehood with the man of her choice who is also her sweetheart, Khairuddin. The wedding reception allegedly had to be on a modest scale because it was not well received by the residents of Kampung Kebun Sireh, Bukit Mertajam.

(3) Another passage which reads:

> Lebih mengejutkan, berita pernikahan Ummi Hafilda-Khairuddin tidak diketahui oleh keluarga Ummi Hafilda.

Agreed translation:

> More surprisingly, the news of the marriage between Ummi-Khairuddin was not known by Ummi Hafilda's family.

(4) The 4th passage that the plaintiffs find offence is:

> Seorang kenalan rapat kepada keluarga Khairuddin memberitahu kononnya En. Khairuddin dan Cik Ummi Hafilda bertunang ketika kes Datuk Seri Anwar Ibrahim sedang hangat di mahkamah.
>
> Menurut berita yang didengar, Khairuddin sudahpun mengahwini Ummi Hafilda. Majlis kenduri kahwin di rumah Khairuddin di Kampung Kebun Sireh, dekat Bukit Mertajam dikatakan diadakan secara kecil-kecilan sahaja kerana masyarakat setempat didakwa tidak suka pada keluarganya.
>
> lbu bapa Khairuddin berasa serba salah dengan masyarakat setempat akibat persekongkolah Khairuddin dalam menfitnah Datuk Seri Anwar Ibrahim.

Agreed translation:

> A close acquaintance to Khairuddin's family informed that it was said En. Khairuddin and Cik Ummi Hafilda got engaged during the intense Datuk Seri Anwar Ibrahim case in court. From the news that was heard, Khairuddin was already married to Ummi Hafilda. The wedding reception at Khairuddin's house in Kampung Kebun Sireh, Bukit Mertajam, was held on a modest scale only because the local folk allegedly did not like the family.
>
> Khairuddin's parents feel uncomfortable with the local society as a result of Khairuddin's involvement in defaming Datuk Seri Anwar Ibrahim.

(5) The 5th passage which the 2nd plaintiff complains of is as follows:

> Khairuddin adalah anak saudara kepada Allahyarham Sulaiman Palestin, tokoh politik yang pernah bertanding untuk kerusi presiden UMNO di mana beliau telah mencabar Presiden UMNO waktu itu Tun Hussein Onn.
>
> Dengan menjual nama bapa saudaranya Khairuddin dapat mendekati beberapa tokoh politik. Dan sinilah beliau mendapat peluang berniaga.

Agreed translation:

> Khairuddin is the nephew of the late Sulaiman Palestin, a political figure who had contested for the position of the president of UMNO whereby he challenged the incumbent president of UMNO, Tun Hussein Onn.
>
> By selling his uncle's name, Khairuddin managed to get close to a few political figures. From here he got business opportunities.

The Plaintiffs' Complaint

In respect of the headline the 1st plaintiff complains that the words so stated are untrue and false and thus had defamed her. In respect of the 2nd passage, the plaintiffs contend that the words stated are untrue and that they have been embarrassed by such a publication. The 1st plaintiff testified that the said words impute that she had eloped (kahwin lari) and did not obtain the consent or the blessings of her family towards the marriage. It also imputed that she was a person who did not follow the tradition and went against the way of life of a Malay. She also complained that the said words had caused her embarrassment, had ruined her image, reputation and good name and credibility. It had also affected her as a professional businesswoman and had also affected her credibility as a witness in the Dato' Seri Anwar Ibrahim trial. The words also implied that because no one would have attended her wedding reception she was forced to have it in a modest scale (kecil-kecilan). The 2nd plaintiff testified that he is the nephew of the ex-UMNO leader, Sulaiman

Palestin, and that he was from Kampung Kebun Sireh, Bukit Mertajam. He also maintained, that the name "Khairuddin" referred to in the passages in actual fact referred to him and that the words had thereby defamed him. He also contended that the words uttered in the 2nd passage as referring to him were untrue and that they had ruined his reputation. The words had also brought him into public hatred and ridicule, as supposedly the said wedding reception did not get the full response of the people of Kampung Kebun Sireh, Bukit Mertajam. He too contended that the said words uttered of him had ruined his reputation, good name and credibility as a businessman and also as a witness in the Dato' Seri Anwar Ibrahim trial which was still in progress when the article was published. He contended that the public would cast aspersions as to his honesty as a witness.

In respect of the 3rd passage, the 1st plaintiff testified that the said words implied that she had not obtained the consent or the blessings of her family and/or that she had eloped to get married since her family did not know of her marriage. In respect of the 4th passage, the 2nd plaintiff contended that the said words had further defamed him for the reasons stated earlier. It also implied that he was a liar who had conspired to defame Dato' Seri Anwar Ibrahim. In respect of the 5th passage, the 2nd plaintiff contended that the said words had ridiculed him as a politician and as a businessman.

In addition, the 1st plaintiff contended that by these publications she was embarrassed to face the public and her friends. The said publication had also ruined her friendship with the 2nd plaintiff and that the public was looking upon their friendship with a myopic view. The 1st plaintiff also testified that she suffered from emotional distress and, being a single woman, who had not as yet married, the said publication had ruined her chances of marrying a man of her choice. The 2nd plaintiff claimed that by alleging that he was married to the 1st plaintiff the article had ruined his chances of marrying a woman of his choice.

The Claim

Both the plaintiffs claim a sum of RM10 million as general or compensatory damages and for exemplary damages to be assessed by the court. Both the plaintiffs are also claiming that the defendants do either jointly or severally within seven days from the date of the order of this court publish in the "Utusan Malaysia" and the "Berita Harian", on the defendants' own costs, an apology *inter alia* showing/displaying the plaintiffs' picture, words agreed to by the plaintiffs and that the said apology ought not to be less than a quarter of the size of a page in the said newspapers. There is also a claim by the plaintiffs for a written undertaking from the defendants that they will not print or cause to be published in whatsoever mass media the plaintiffs' name without

the consent of the plaintiffs. Finally there is a claim for costs to be paid on a solicitor-client basis by the defendants to the plaintiffs.

The Defence

The defendants called two witnesses, namely, the 1st defendant's auditor, to verify the sales figure of the said newspapers, and the writer of the said article. From the evidence adduced at trial I am able to assess that the defendants' case is that:

(i) the words complained of were not defamatory

(ii) the said article as a whole throws some light to the falsity of the alleged internet news and thus could not be defamatory;

(iii) the "Khairuddin" referred to in the said article does not refer to the 2nd plaintiff;

(iv) the claim for RM10 million by each plaintiff is not commensurate with the sales figure of the newspaper;

(v) the defendants did not intend to defame the plaintiffs; and

(vi) the said article was picked and reproduced from the internet.

Findings Of The Court

Are the words spoken defamatory of the plaintiffs?

In so far as the 1st plaintiff is concerned, she says that the words boldly headlined "Ummi Hafilda NIKAH" being false and untrue, are defamatory of her. Whilst it is clearly acceptable that the words as they are, are not defamatory, the question that arises is, is it defamatory to allege that a woman who is unmarried as being married. It is true that what the ordinary man would infer without special knowledge is usually termed as the natural and ordinary meaning of the words. But here following the headline, the defendants have contended in the 2nd and 3rd impugned passages that the 1st plaintiff had ended her maidenhood by marrying her lover, Khairuddin, without the knowledge and consent of her family. They have also stated that the plaintiffs were forced to hold the wedding on a small scale because their marriage was not well received by the 2nd plaintiffs co-villagers of Kampung Kebun Sireh, Bukit Mertajam. The headline and the passages taken as a whole together with the 4th passage, no doubt would conjure up in the mind of the ordinary man the inference that there was something wrong with this marriage as to cause the villagers to stay away from it, thus forcing the plaintiffs to hold the marriage on a small scale. The plaintiffs seek to draw the inference that it was a "runaway marriage" as it was without the consent of their respective

parents, and further, because the plaintiffs had conspired to testify against Anwar Ibrahim, the villagers had shunned the marriage.

Whilst I agree that the words *per se* "she is married" are not defamatory but when they are directed towards a single woman who upon the admitted knowledge of the defendants had her face "on the front page of major newspapers" and whose character and personality had been exposed in the newspapers as a star witness in the Anwar Ibrahim corruption trial, then under such circumstances the innuendoes and inferences that an ordinary man in the street would draw from the headline and the subsequent passages would convey the meaning attributed to the words by the plaintiffs. Further as rightly expressed by the Court of Appeal in *Chok Foo Choo @ Chok Kee Lian v. The China Press Bhd* [1999] 1 CLJ 461, whether the words complained of are defamatory, is a question of fact, dependent upon the circumstances of the particular case. The defendants have argued that since both the plaintiffs are Muslims, there is no question of consent of the parents being required, since if the parents refuse, in Islam, the 1st plaintiff can obtain the consent of her *Wali* or even to the extent of getting the consent from the *Wali Raja*, that is, the syariah judge. Islamic Family Law (Federal Territories) Act 1984 s. 13 reads as follows:

> 13. Consent required.
>
> A marriage shall not be recognised and shall not be registered under this Act unless both parties to the marriage have consented thereto, and either –
>
> (a) the *wali* of the woman has consented thereto in accordance with Hukum Syara'; or
>
> (b) the Syariah Judge having jurisdiction in the place where the woman resides or any person generally or specially authorised in that behalf by the Syariah Judge has, after due inquiry in the presence of all parties concerned, granted his consent thereto as *wali raja* in accordance with Hukum Syara'; such consent may be given wherever there is no *wali* by *nasab* in accordance with Hukum Syara' available to act or if the *wali* cannot be found or where the wali refuses his consent without sufficient reason.

To my mind this argument is self-defeating. Even assuming there was the marriage, then the question is not that the parents had refused their consent. The parents were deprived of their right and joy and satisfaction of giving their consent, and blessings to the couple. Further, reading the 4th impugned passage, it is easy to understand the feelings of the plaintiffs. It has been subtly alleged that the plaintiffs had conspired to defame Dato' Seri Anwar Ibrahim by testifying against him at the corruption trial. This is clearly a serious allegation against the plaintiffs. It is an attempt to stir the hatred of the

villagers of Kampung Kebun Sireh, Bukit Mertajam, against the plaintiffs. It also suggests that the 2nd plaintiff's parents are upset at the conduct of their fellow villagers. If left uncorrected this article would tend to cause a rift between the plaintiffs, the 2nd plaintiff's parents and the villagers of Kampung Kebun Sireh, Bukit Mertajam. The allegation of conspiracy in a case that has been concluded is most serious. It is an attempt to label the plaintiffs as liars and/or perjurers. It casts serious aspersions upon the conduct and character of both the plaintiffs.

As for the 2nd plaintiff there is no denial that he is the nephew of the ex-UMNO leader, Sulaiman Palestin. I also find as a fact that he hails from Kampung Kebun Sireh, Bukit Mertajam. The claim by the defendants that since only the name Khairuddin has been mentioned in the impugned passages that that name could not be referring to the 2nd plaintiff, is totally unacceptable. In any case since it is a fact that the 2nd plaintiff is the nephew of the ex-UMNO leader, Sulaiman Palestin, and also hails from Kampung Kebun Sireh, Bukit Mertajam, and was or to be a witness in the corruption trial of Anwar Ibrahim and whose name had been mentioned regularly in all the leading dailies during the corruption trial, I find as a fact that the name Khairuddin refers to none other than to the 2nd plaintiff. The defendants had led no evidence to show that the name Khairuddin referred to anyone else in particular. In any case, DW2, the defence witness, who wrote one of the articles under the pen name of Iman Imran admitted under cross-examination that the Khairuddin referred to in the article did in fact refer to the 2nd plaintiff. He also admitted that he didn't know if the plaintiffs were lovers, whether they were married and whether they had defamed Anwar Ibrahim. He also did not know whether the 2nd plaintiff had sold his uncle's name to gain political leverage and to obtain business opportunities.

The impugned articles when expressly referring to the 2nd plaintiff no doubt were defamatory of him. It shows that due to his conspiracy with the 1st plaintiff to testify against Anwar Ibrahim and to defame him, he and his family had lost the respect of the people of his village, namely, Kampung Kebun Sireh, Bukit Mertajam. The 5th impugned passage was clearly the worst attack on the 2nd plaintiff. This passage used the words "dengan menjual nama bapa saudaranya". It conveys the inference that the 2nd plaintiff was so devoid of any ability of his own that he had to sell the name of his illustrious uncle to get close to politicians and thereby obtain opportunities to advance his businesses. At least if the passage had suggested that the 2nd plaintiff had used his uncle's name to advance his business opportunities, there can be nothing defamatory of such words, for it is common and acceptable for a son or daughter or nephew or niece to use an illustrious relative's name and relationship to advance one's own life. The 2nd plaintiff has testified that he is a politician and a businessman.

In the present case the passages suggest that both the plaintiffs are married. This is an unfair statement to make, knowing full well that they are indeed not married. Such a statement has clearly deprived the chance of each of them being free to meet someone or to court someone of the opposite sex.

I accept the plaintiffs' submission that the impugned publications had injured their reputation and credibility. I have no doubt that the said publications when read by a fair minded and ordinary member of the public would hold the plaintiffs in odium and contempt. In any event, DW2 admitted under cross-examination to the plaintiffs' solicitors' suggestion that the impugned passages clearly held the plaintiffs in low esteem in the eyes of the general public.

The Defence

The only credible defence raised was that the defendants had picked up the impugned passages from the internet news and that by reporting such news the defendants had in fact shown the falsity of such news. Firstly the defendants' failure to produce the crucial evidence to support such a defence, namely, their failure to produce the printed internet webpage, must be held against them. Alternatively their failure to produce the writer's or journalist's notes as the source of the articles must also be held against them. Whilst the journalist found time to speak to the brother of the 1st plaintiff, he did not make any effort to ascertain the truth or otherwise, from the plaintiffs themselves. Under cross-examination the reason for this failure became evident. PW2 was given a deadline by his editor; so he had to rush the news without verifying its truth. In any case, even if there was a re-publication of the internet webpage this in itself is publication of the defamatory statement (see *Chua Jui Meng v. Hoo Kok Wing & Anor* [2000] 6 CLJ 390).

"The Bane And The Balm" Treatment

The defendants relied neavily upon the decision of the House of Lords in *Charleston & Anor v. News Group Newspapers Ltd & Anor* [1995] 2 WLR 450 HL which quoted with approval a passage from the judgment of Alderson B in *Chalmers v. Payne* [1835] 2 CM and R 156, 159 wherein his Lordship said:

> In one part of this publication, something disreputable to the plaintiff is stated, but that is removed by the conclusion; the bane and antidote-must be taken together.

However, Lord Bridge of Harwich went on to say at p. 456 of the judgment as follows:

> Whether the text of a newspaper article will, in any particular case, be sufficient to neutralise the defamatory implication of a prominent headline will sometimes be a nicely balanced question for the jury to decide and will depend not only

> on the nature of the libel which the headline conveys and the language of the text which is relied on to neutralise it but also on the manner in which the whole of the relevant material is set out and presented. But the proposition that the prominent headline, or as here the headlines plus photographs, may found a claim in libel in isolation from its related text, because some readers only read headlines, is to my mind quite unacceptable ...

In the case before me, the defendants argued that whilst the headline screamed "Ummi Hafilda NIKAH" yet the final passage on that same front page quoted the 1st plaintiff's brother as denying that the 1st and 2nd plaintiffs were married. Therefore upon the authority of *Charleston* Encik Haris for the defendants in his usually persuasive tenor urged me to apply the balm of the brother's denial to soothe the bane of the screaming headline. Before I consider this submission I must refer to a decision of the Australia Court of Appeal in *Morosi v. Broadcasting Station 2GB* [1980] 2 NSWLR 418 where their Lordships were also urged to apply the "bane and antidote" principle. Samuels JA said at p. 419:

> ... But in a case such as this the material already contains a defamatory imputation; and the inquiry is whether that effect is overcome by contextual matter of an emollient kind so as to eradicate the hurt and render the whole publication harmless.

The answer therefore rests in weighing up and comparing the bane and the balm. Each case has to be looked at on its own factual matrix. In the case before me, whilst the headline stated in black bold print "Ummi Hafilda NIKAH", the defendants had also juxtapositioned the words "Azwan Ali jelas status adik" in white print embedded in a splash of black with ray-like edges to highlight what Azwan Ali had said, exactly before the words "Ummi Hafilda NIKAH". In other words the impression conveyed is "Azwan Ali clarifies his sister's status" "Ummi Hafilda MARRIED". Had that juxtapositioned statement not been positioned as it had been I might have been persuaded to reject the 1st passage as having any defamatory connotation applying the bane and the balm principle. However, in this case far from soothing the wound the defendants had indeed exacerbated the hurt. I would say that far from being the balm of the bane the defendants had reopened the wound.

Damages

I am satisfied that this is a case where compensatory damages ought to be awarded against each of the defendants. Taking into consideration the fleeting appearance of both the plaintiffs in the limelight of publicity generated solely due to the Anwar Ibrahim corruption trial, I award each of the plaintiffs a sum of RM25,000 against each of the defendants. I have exhaustively dealt with the law relating to each of the categories of damages in my earlier judgments (see *Normala Samsudin v. Keluarga Communication Sdn Bhd* [1999]

3 CLJ 167; [1999] 2 MLJ 654; *Dato' Abdullah Hishan bin Haji Mohd Hashim v. Sharma Kumari Shukla* (No. 3) [1999] 7 CLJ 464; [1999] 6 MLJ 589; [2000] 1 AMR 334; *Noor Asiah binti Mahmood juga dikenali sebagai "Nonni Mahmood" & Anor v. Randhir Singh & 4 Ors* [2000] 5 CLJ 407; 2 MLJ 175; [2000] 2 AMR 1475).

As for aggravated damages it is clear that to date there has been no apology. Besides, the defendants ought to have known that the article, admittedly taken from the "Reformasi" website in the internet which no doubt is a website in support of Anwar Ibrahim, would have given a jaundiced view of the plaintiffs, since they both were involved in the corruption case against Anwar Ibrahim. The defendants ought to have had reason to suspect that the impugned passages could be defamatory of the plaintiffs and therefore the clear need to verify with the plaintiffs before publishing the passages. To my mind the defendants were out to sensationalise the so-called marriage of the plaintiffs to sell their "Bacaria". They must therefore pay. I therefore award each of the plaintiffs a further sum of RM25,000 against each of the defendants.

I do not think that this is a case for exemplary damages. Whilst there is the element of gain in the form of profits by the sale of "Bacaria", the plaintiffs have failed to show that there was such extensive profit as to warrant an award under this head. The plaintiffs did not submit for an apology nor for an injunction to restrain further publication. There will be interest on the awards at 4% per annum from the date of publication to date of judgment with costs to be taxed.